

cofc

29655-1



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:
Kamaljit S. Paul

Examiner: Michael J. Araj

Group Art Unit: 3733

Serial Number: 10/627,137
Filed: 07/24/2003

Confirmation Number: 3932

Patent No. 7,255,699
Issued: 08-14-2007

Customer Number: 23482

Title: SPINAL PLATE ASSEMBLY

LETTER TO COMMISSIONER

Attn: Certificate of Corrections Branch
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Certificate
JAN 31 2008
of Correction

Sir:

Please issue the attached Certificate of Correction for the above referenced granted Patent in view of the attached documents and the following remarks. Thank you.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

01/23/2008

Date

Emily Klassen

(Typed or printed name of person mailing paper or fee)

Emily Klassen
(Signature of person mailing paper or fee)

Applicant respectfully requests a Certificate of Correction be issued for his US Patent No. 7,255,699. The granted Patent does not show the continuity of the related U.S. Patent Applications, namely

US Patent Application 10/202,705 filed 07/24/2002, now US Patent 7,070,599, granted 07/04/2006, and

US Patent Application 10/014,409 filed 12/14/2001, now US Patent 6,755,833 granted 06/29/2004.

The subject Patent is a Continuation-in-Part of each of the above granted patents and claims priority to the earliest filing dates of each such application/patent.

The priority claim was submitted to the United States Patent and Trademark Office on the Application Data Sheet (copy attached) which accompanied the originally filed Patent Application on 07/24/2003.

The Formal Filing Receipt (copy of first page attached) recognized the claimed priorities.

On 12/03/2003 Preliminary Amendment B (sheets 1 and 2 attached) was filed amending the Specification to recite both priority claims.

The subject Patent Application published as US Patent Application Publication No. 2004/003038 (copy of first page attached). The Publication showed the priority claims. The fact that the subject Patent Application published 6 months after the filing date of the Application, and not the normal 18 months for a patent application claiming no priority, also suggests that the USPTO accepted the priority claimed in the Application Data Sheet.

On 8/14/2007 the subject Patent Application granted as Patent No. 7,255,699 (first sheet attached), with no reflection of the claimed priorities. The purpose of the Certificate of Correction requested here is to have the granted patent properly reflect the claimed priorities.

At the time the subject application was filed on 07/24/2003, MPEP Eighth Edition, Revision 1, dated February 1, 2003, was in effect. That edition of the MPEP establishes the requirements for claiming priority at Section 201.11(C)

(copy attached), which states as follows:

*"The ~~>~~later filed< application must contain a specific reference to the prior application(s) in the specification or in an application data sheet. ~~**>~~If benefit is claimed under 35 U.S.C. 120, 121, or 365(c), the specific reference required by 35 U.S.C. 120 and 37 CFR 1.78 (a)(2) to a prior nonprovisional application must include the relationship (i.e., continuation, divisional, or continuation-in-part) between the applications"*

In the subject application, Applicant claimed priority in the Application Data sheet (copy enclosed) as required, including specifying the application serial number, the filing date, and the relationship. Accordingly, all requirements for granting of the claimed priority were met at the time the application was originally filed on 07/24/2003.

Because the error in granting the claimed priority is a Patent Office error, no fee is believed to be due. Should any fee be properly due, or if any refund is due, kindly charge same, or credit any overpayment, to Deposit Account 23-2130.

Please feel free to contact me with any questions, comments or concerns, at the telephone number listed at the end of this document.

Respectfully submitted,
Kamaljit S. Paul

By: Thomas D. Wilhelm
Thomas D. Wilhelm
Attorney for Applicant
(Reg. No. 28,794)

January 23, 2008
Wilhelm Law Service
100 W. Lawrence Street, Third Floor
Appleton, Wisconsin 54911
920-831-0100
FAX: 920-831-0101

**UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION**Page 1 of 1

PATENT NO. : 7,255,699
APPLICATION NO.: 10/627,137
ISSUE DATE : August 14, 2007
INVENTOR(S) : Kamaljit S. Paul

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page of the patent as granted, in column 1 please add the following:

"Related U.S. Application Data

(63) Continuation-in-part of application No. 10/014,409,
filed on Dec. 14, 2001, now US Patent 6,755,833, granted Jun. 29, 2004.
Continuation-in-part of application No. 10/202,705,
filed Jul. 24, 2002, now US Patent 7,070,599, granted Jul. 4, 2006."

MAILING ADDRESS OF SENDER (Please do not use customer number below):

Wilhelm Law Service
100 W. Lawrence St., 3rd Floor
Appleton, WI 54911

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: **Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



Application Information

Application Type:: Regular
Subject Matter:: Utility
Suggested Classification::
Suggested Group Art Unit::
Title:: SPINAL PLATE ASSEMBLY
Attorney Docket Number:: 29655-1
Request for Early Publication?:: No
Request for Non-Publication?:: No
Suggested Drawing Figure:: 6
Total Drawing Sheets:: 8
Small Entity:: Yes
Petition included?:: No
Secrecy Order in Parent Appl.?:: No

Inventor Information

Inventor Authority Type:: Inventor
Primary Citizenship Country:: US
Status:: Full Capacity
Given Name:: Kamaljit
Middle Name:: S.
Family Name:: Paul
City of Residence:: Oshkosh
State or Prov. of Residence:: WI
Country of Residence:: US
Street:: 3220 Old Orchard Lane

City:: Oshkosh

State or Province:: WI

Postal or Zip Code:: 54902

Correspondence Information

Correspondence Customer Number:: 23482

Representative Information

Representative Customer Number:: 23482

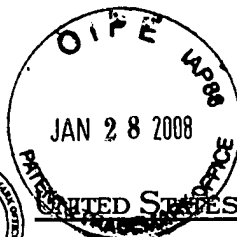
Domestic Priority Information

Application::	Continuity Type::	Parent Application::	Parent Filing Date::
---------------	-------------------	----------------------	----------------------

This Application	Continuation-In-Part	10/014,409	12/14/2001
------------------	----------------------	------------	------------

This Application	Continuation-In-Part	10/202,705	07/24/2002
------------------	----------------------	------------	------------

RECEIVED NOV 10 2003



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY:DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/627,137	07/24/2003	3732	840	29655-1	8	67	4

CONFIRMATION NO. 3932

23482
 WILHELM LAW SERVICE, S.C.
 100 W LAWRENCE ST
 THIRD FLOOR
 APPLETON, WI 54911

FILING RECEIPT



OC000000011195987

Date Mailed: 11/06/2003

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Kamaljit S. Paul, Oshkosh, WI;

Domestic Priority data as claimed by applicant

This application is a CIP of 10/014,409 12/14/2001
 and is a CIP of 10/202,705 07/24/2002

Foreign Applications

If Required, Foreign Filing License Granted: 11/05/2003

Projected Publication Date: 02/12/2004

Non-Publication Request: No

Early Publication Request: No

** SMALL ENTITY **

Title

Spinal plate assembly



29655-1
Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:
Kamaljit S. Paul

Group Art Unit: 3732

Serial Number: 10/627,137.

Examiner: Unassigned

Filed: 07/24/2003

Title: SPINAL PLATE ASSEMBLY

PRELIMINARY AMENDMENT B

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Prior to examining this application on its merits, kindly amend the application as follows.

I hereby certify that this paper or fee is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, Alexandria VA 22313.

ON December 3, 2003

Theresa J. Piper

(Typed name of person mailing paper or fee)

Theresa J. Piper

(Signature of person mailing paper or fee)

12/3/03

(Date of Signature)

AMENDMENTS TO THE SPECIFICATION

In the Specification

On page 2 of the application, please insert the following new paragraph before the BACKGROUND section.

--CROSS-REFERENCE TO RELATED APPLICATIONS

This application claims priority under 35 U.S.C. §120 to application serial number 10/202,705 filed July 24, 2002, and to application serial number 10/014,409 filed December 14, 2001, all the above of which are incorporated herein by reference in their entireties.--

(19) **United States**

(12) **Patent Application Publication**
Paul

(10) Pub. No.: **US 2004/0030338 A1**

(43) Pub. Date: **Feb. 12, 2004**

(54) **SPINAL PLATE ASSEMBLY**

Publication Classification

(76) Inventor: **Kamaljit S. Paul, Oshkosh, WI (US)**

(51) Int. Cl.⁷ **A61B 17/56**

(52) U.S. Cl. **606/69**

Correspondence Address:
WILHELM LAW SERVICE, S.C.
100 W LAWRENCE ST
THIRD FLOOR
APPLETON, WI 54911

(57) **ABSTRACT**

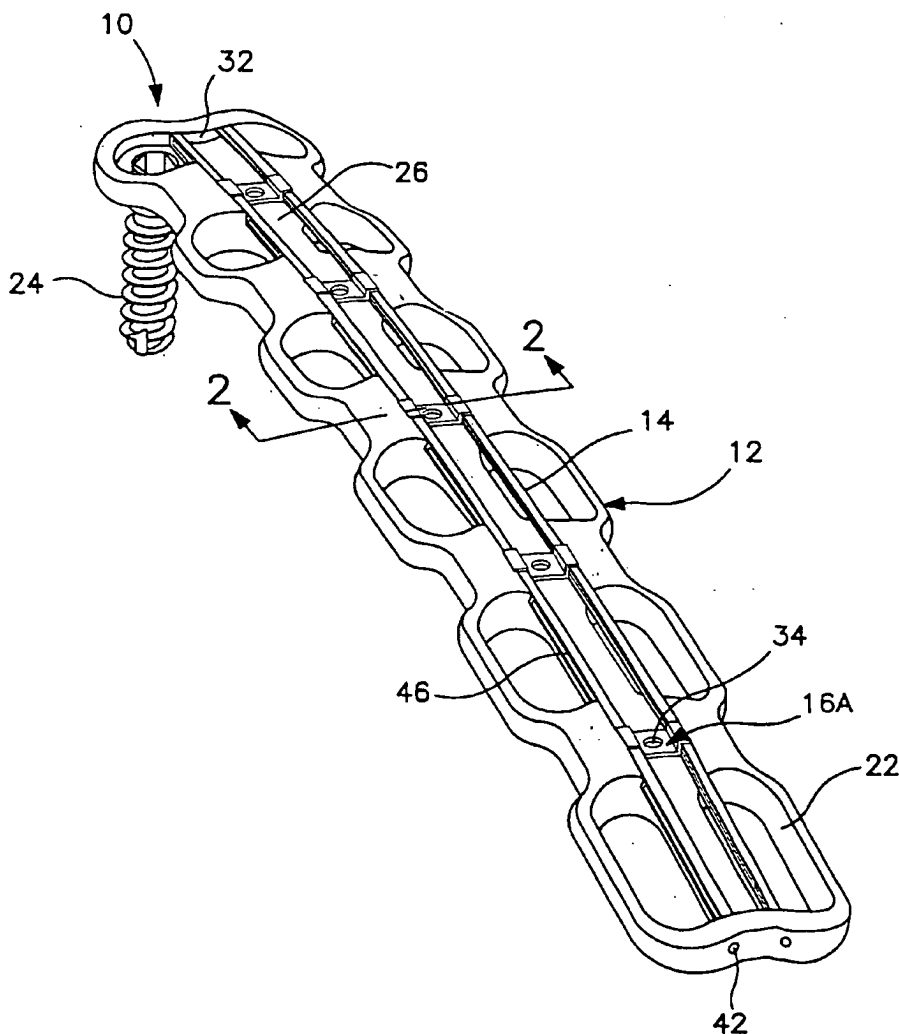
Spinal plate assembly, and methods of use, wherein a retaining element such as a retaining band, optionally a resiliently flexible band, mounted to a spinal plate, activates a blocking feature of the spinal plate assembly to thereby prevent the bone fastener from withdrawing out of the spinal plate assembly and past the blocking member. The apertures are typically, but not necessarily, elongate slots, elongate axes of all such slots being commonly oriented. The band can be fabricated from a variety of bio-stable, bio-compatible medical grade materials, including metals or implantable plastics. The retaining element or elements can be disposed in intermittently-located channel elements in the plate.

(21) Appl. No.: **10/627,137**

(22) Filed: **Jul. 24, 2003**

Related U.S. Application Data

(63) Continuation-in-part of application No. 10/014,409, filed on Dec. 14, 2001.
Continuation-in-part of application No. 10/202,705, filed on Jul. 24, 2002.





US007255699B2

(12) **United States Patent**
Paul

(10) **Patent No.:** **US 7,255,699 B2**

(45) **Date of Patent:** ***Aug. 14, 2007**

(54) **SPINAL PLATE ASSEMBLY**

4,794,918 A 1/1989 Wolter

4,943,292 A 7/1990 Foux

(76) **Inventor:** **Kamaljit S. Paul**, 3220 Old Orchard
La., Oshkosh, WI (US) 54902

(*) **Notice:** Subject to any disclaimer, the term of this
patent is extended or adjusted under 35
U.S.C. 154(b) by 134 days.

(Continued)

FOREIGN PATENT DOCUMENTS

This patent is subject to a terminal dis-
claimer.

DE 251246 9/1912

(21) **Appl. No.:** **10/627,137**

(Continued)

(22) **Filed:** **Jul. 24, 2003**

OTHER PUBLICATIONS

(65) **Prior Publication Data**

US 2004/0030338 A1 Feb. 12, 2004

Premier Anterior Cervical Plate System, Slides series from presen-
tation led by T. A. Zdeblick, MC & H.N. Herkowitz MD, Nov. 2000,
pp. 1-5 and 7-8, Kohler, WI.*

(51) **Int. Cl.**

A61B 17/58 (2006.01)

(Continued)

(52) **U.S. Cl.** **606/69**

(58) **Field of Classification Search** **606/69-71**
See application file for complete search history.

Primary Examiner—Eduardo C. Robert

Assistant Examiner—Michael J. Araj

(74) **Attorney, Agent, or Firm**—Wilhelm Law Service;
Thomas D. Wilhelm

(56) **References Cited**

U.S. PATENT DOCUMENTS

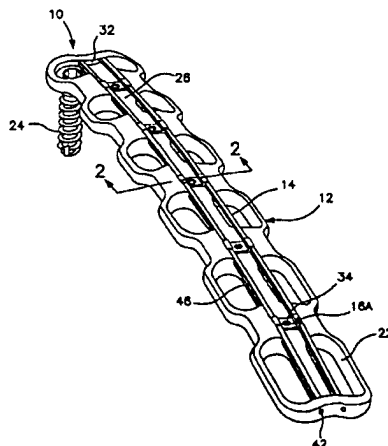
2,406,832 A 9/1946 Hardinge
2,486,303 A 10/1949 Longfellow
2,580,821 A 1/1952 Nicola
2,780,223 A 2/1957 Haggland
3,244,170 A 4/1966 McElvenny
3,534,731 A 10/1970 Muller
3,596,656 A 8/1971 Kaute
3,659,595 A 5/1972 Haboush
3,695,259 A 10/1972 Yost
3,741,205 A 6/1973 Markolf et al.
RE28,841 E 6/1976 Allgower et al.
4,246,660 A 1/1981 Wevers
4,388,921 A 6/1983 Sutter et al.
RE31,628 E 7/1984 Allgower et al.
4,484,570 A 11/1984 Sutter et al.
4,488,543 A 12/1984 Tornier
4,503,848 A 3/1985 Caspar et al.
4,513,744 A 4/1985 Klaue

(57)

ABSTRACT

Spinal plate assembly, and methods of use, wherein a
retaining element such as a retaining band, optionally a
resiliently flexible band, mounted to a spinal plate, activates
a blocking feature of the spinal plate assembly to thereby
prevent the bone fastener from withdrawing out of the spinal
plate assembly and past the blocking member. The apertures
are typically, but not necessarily, elongate slots, elongate
axes of all such slots being commonly oriented. The band
can be fabricated from a variety of bio-stable, bio-compat-
ible medical grade materials, including metals or implant-
able plastics. The retaining element or elements can be
disposed in intermittently-located channel elements in the
plate.

74 Claims, 8 Drawing Sheets



Form paragraphs 2.09 and 2.10 should be used where the disclosure of the *>later-filed<* application is not for an invention disclosed in the *>prior<* application.

¶ 2.09 Heading for Conditions for Domestic Priority Under 35 U.S.C. 119(e) or 120

Applicant has not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. [1] as follows:

Examiner Note:

1. In bracket 1, insert either or both *>119(e)<* or *>120,<*
2. One or more of the following form paragraphs 2.10 to 2.12 must follow depending upon the circumstances.

¶ 2.10 Disclosure Must Be the Same

The later-filed application must be an application for a patent for an invention which is also disclosed in the prior application (the parent or original nonprovisional application or provisional application); the disclosure of the invention in the parent application and in the later-filed application must be sufficient to comply with the requirements of the first paragraph of 35 U.S.C. 112. See *Transco Products, Inc. v. Performance Contracting, Inc.*, 38 F.3d 551, 32 USPQ2d 1077 (Fed. Cir. 1994).

Examiner Note:

1. This form paragraph must be preceded by heading form paragraph 2.09.
2. Form paragraph 2.29 should be used where the claim(s) of the nonprovisional application lack(s) support in the disclosure of the provisional application.

¶ 2.29 Domestic Priority Not Granted

Applicant's claim for domestic priority under 35 U.S.C. 119(e) is acknowledged. However, the provisional application upon which priority is claimed fails to provide adequate support under 35 U.S.C. 112 for claim [1] of this application. [2]

Examiner Note:

1. This form paragraph may be used when there is lack of support in the provisional application for the pending claims in the nonprovisional application.
2. In bracket 2, provide an explanation of lack of support.

(B) With respect to claiming benefit under 35 U.S.C. 120, 121, or 365(c), the *>later-filed<* application must be copending with the *>prior<* application or with an application similarly entitled to the benefit of the filing date of the *>prior<* application. See subsection II. "COPENDENCY" below. With respect to claiming benefit under 35 U.S.C. 119(e) to provisional applications, effective November 29,

1999, Public Law 106-113 amended 35 U.S.C. 119(e)(2) to eliminate the copendency requirement for a nonprovisional application claiming benefit of a provisional application. However, pursuant to 35 U.S.C. 119(e)(1), the nonprovisional application must be filed not later than 12 months after the date on which the provisional application was filed. If the day that is 12 months after the filing date of a provisional application falls on a Saturday, Sunday, or Federal holiday within the District of Columbia, the period of pendency of the provisional application is extended to the next succeeding business day and the nonprovisional application may be filed on that next succeeding business day. See 35 U.S.C. 119(e)(3), 37 CFR 1.7(b), and MPEP § 201.04(b) and § 505.

(C) The *>later-filed<* application must contain a specific reference to the prior application(s) in the specification or in an application data sheet. *>If benefit is claimed under 35 U.S.C. 120, 121, or 365(c), the specific reference required by 35 U.S.C. 120 and 37 CFR 1.78(a)(2) to a prior nonprovisional application must include the relationship (i.e., continuation, divisional, or continuation-in-part) between the applications except when the reference is to a prior application of a continued prosecution application (CPA) assigned the same application number. See subsection III. "REFERENCE TO PRIOR APPLICATION(S)" below.<*

A request for a *>CPA<* filed under 37 CFR 1.53(d) is itself the specific reference required by 35 U.S.C. 120 and 37 CFR 1.78(a)(2) to every application assigned the same application number identified in the request. (Note: The CPA is assigned the same application number as the prior application.) In a CPA, a specific reference in the first sentence of the specification following the title, or in an application data sheet, to a prior application assigned the same application number is not required and should not be made. No amendment in a CPA may delete the specific reference to the prior application assigned the same application number. A specific reference to an application not assigned the same application number, but relied on for benefit under 35 U.S.C. 120 and 37 CFR 1.78(a)(2), is required. *>Cross references to other related applications not assigned the same application as the CPA may be made when appropriate.<* Form paragraphs 2.09 and 2.12 should be used to indicate reference to the prior application. *>>*